

SENATE BILL 481

Unofficial Copy
D4

2001 Regular Session
1lr1814
CF 1lr0225

By: **Senators Green, Blount, Bromwell, Colburn, DeGrange, Dyson, Exum,
Forehand, Hoffman, Hogan, Hollinger, Hooper, Jimeno, Kasemeyer,
Kelley, Lawlah, Middleton, Munson, Ruben, Teitelbaum, and Van Hollen**

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 6, 2001

CHAPTER_____

1 AN ACT concerning

2 **Domestic Violence - Out-of-State Orders for Protection - Enforcement**

3 FOR the purpose of specifying procedures for the enforcement of out-of-state orders
4 for protection; prohibiting a District Court commissioner from authorizing the
5 pretrial release of a defendant charged with violating certain provisions of an
6 out-of-state order for protection; defining a certain term; altering a certain
7 definition; providing certain immunity to a law enforcement officer under
8 certain circumstances; making certain clarifying and conforming changes; and
9 generally relating to domestic violence.

10 BY repealing and reenacting, with amendments,
11 Article 88B - Department of State Police
12 Section 7A(a)
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 2000 Supplement)

15 BY adding to
16 Article - Courts and Judicial Proceedings
17 Section 5-610.1
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 2000 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Criminal Procedure

1 Section 5-202(e)(1)
2 Annotated Code of Maryland
3 (As enacted by Chapter ____ (S.B. 1) of the Acts of the General Assembly of 2001)

4 BY repealing and reenacting, with amendments,
5 Article - Family Law
6 Section 4-508.1
7 Annotated Code of Maryland
8 (1999 Replacement Volume and 2000 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article 88B - Department of State Police**

12 7A.

13 (a) (1) In this section the following words have the meanings indicated.

14 (2) "Civil child support warrant" means any of the following, when
15 issued for the enforcement of a child support order:

16 (i) An arrest warrant;

17 (ii) A bench warrant;

18 (iii) A body attachment issued by a circuit court; or

19 (iv) A warrant for failure to appear.

20 (3) "Civil protective order" means:

21 (i) An ex parte order issued under § 4-505 of the Family Law
22 Article;

23 (ii) A protective order issued under § 4-506 of the Family Law
24 Article; or

25 (iii) [A protective order] AN ORDER FOR PROTECTION, AS DEFINED
26 IN § 4-508.1 OF THE FAMILY LAW ARTICLE, issued by a court of another state or [an
27 Indian] A NATIVE AMERICAN tribe that has been filed with the District Court or a
28 circuit court under § 4-508.1 of the Family Law Article.

29 (4) "System" means the Maryland Interagency Law Enforcement
30 System.

1

Article - Courts and Judicial Proceedings

2 5-610.1.

3 A LAW ENFORCEMENT OFFICER ENFORCING AN OUT-OF-STATE ORDER FOR
4 PROTECTION FROM DOMESTIC VIOLENCE IN ACCORDANCE WITH § 4-508.1 OF THE
5 FAMILY LAW ARTICLE SHALL BE IMMUNE FROM CIVIL LIABILITY IF THE LAW
6 ENFORCEMENT OFFICER ACTS IN GOOD FAITH AND IN A REASONABLE MANNER.

7

Article - Criminal Procedure

8 5-202.

9 (e) (1) A District Court commissioner may not authorize the pretrial release
10 of a defendant charged with violating:

11 (i) the provisions of an ex parte order described in § 4-505(a)(2)(i)
12 of the Family Law Article or the provisions of a protective order described in §
13 4-506(d)(1) of the Family Law Article that order the defendant to refrain from
14 abusing or threatening to abuse a person eligible for relief; or

15 (ii) the provisions of [a protective order] AN ORDER FOR
16 PROTECTION, AS DEFINED IN § 4-508.1 OF THE FAMILY LAW ARTICLE, issued by a
17 court of another state or of a Native American tribe that order the defendant to
18 refrain from abusing or threatening to abuse a person eligible for relief, if the order is
19 enforceable under § 4-508.1 of the Family Law Article.

20

Article - Family Law

21 4-508.1.

22 (A) (1) IN THIS SECTION, "ORDER FOR PROTECTION" MEANS A TEMPORARY
23 OR FINAL ORDER OR INJUNCTION THAT:

24 (I) IS ISSUED FOR THE PURPOSE OF PREVENTING VIOLENT OR
25 THREATENING ACTS OR HARASSMENT AGAINST, CONTACT OR COMMUNICATION
26 WITH, OR PHYSICAL PROXIMITY TO ANOTHER PERSON;

27 (II) IS ISSUED BY A CIVIL COURT IN RESPONSE TO A COMPLAINT,
28 PETITION, OR MOTION FILED BY OR ON BEHALF OF A PERSON SEEKING PROTECTION
29 OR BY A CRIMINAL COURT; AND

30 (III) IS OBTAINED BY FILING AN INDEPENDENT ACTION OR AS A
31 PENDENTE LITE ORDER IN ANOTHER PROCEEDING.

32 (2) "ORDER FOR PROTECTION" DOES NOT INCLUDE A SUPPORT OR CHILD
33 CUSTODY ORDER.

1 [(a)] (B) [A protective order] AN ORDER FOR PROTECTION issued by a court of
2 another state or [an Indian] A NATIVE AMERICAN tribe shall be accorded full faith
3 and credit by a court of this State and shall be enforced:

4 (1) IN THE CASE OF AN EX PARTE ORDER FOR PROTECTION, ONLY TO
5 THE EXTENT THAT THE ORDER AFFORDS RELIEF THAT IS PERMITTED UNDER § 4-505
6 (A) OF THIS SUBTITLE; AND

7 (2) IN THE CASE OF AN ORDER FOR PROTECTION, OTHER THAN AN EX
8 PARTE ORDER FOR PROTECTION, only to the extent that the order affords relief that is
9 permitted under § 4-506(d) of this subtitle.

10 [(b)] (C) A law enforcement officer shall arrest with or without a warrant and
11 take into custody a person whom the officer has probable cause to believe is in
12 violation of [a protective order] AN ORDER FOR PROTECTION that was issued by a
13 court of another state or [an Indian] A NATIVE AMERICAN tribe and is in effect at the
14 time of the violation if the person seeking the assistance of the law enforcement
15 officer:

16 (1) has filed with the District Court or circuit court for the jurisdiction in
17 which the person seeks assistance a copy of the order [that is authenticated in
18 accordance with an act of Congress or statute of the issuing state]; or

19 (2) displays or presents to the law enforcement officer a copy of the order
20 that [is authenticated in accordance with an act of Congress or statute of the issuing
21 state]APPEARS VALID ON ITS FACE.

22 (D) A LAW ENFORCEMENT OFFICER ACTING IN ACCORDANCE WITH THIS
23 SECTION SHALL BE IMMUNE FROM CIVIL LIABILITY IF THE LAW ENFORCEMENT
24 OFFICER ACTS IN GOOD FAITH AND IN A REASONABLE MANNER.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2001.